

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

BRANDON FAVOR,

Plaintiff,

1

TANAKA, et al.,

## Defendants.

Case No. 1:17-cv-00772-BAM (PC)

ORDER TRANSFERRING CASE TO THE  
CENTRAL DISTRICT OF CALIFORNIA

Plaintiff Brandon Favor, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983. (ECF No. 1.) Plaintiff has also filed a motion to proceed in forma pauperis pursuant to 28 U.S.C. § 1915 and a “motion to dismiss with relief obtaining counsel.”<sup>1</sup> (ECF Nos. 2, 3.)

The federal venue statute requires that a civil action, other than one based on diversity jurisdiction, be brought only in "(1) a judicial district where any defendant resides, if all defendants are residents of the State in which the district is located, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of the property that is the subject of the action is situated, or (3) if there is no district in which an

<sup>1</sup> The Court notes, without deciding, that Plaintiff may be subject to 28 U.S.C. § 1915(g). See, e.g., Favor-El v. Rome, Case No. 1:15-cv-01865-LJO-EPG (E.D. Cal.); Carter v. Gray, Case No. 2:17-cv-00595-JGB-JEM (C.D. Cal.); Favor-El v. Slave Owners, Case No. 2:16-cv-08038-JGB-JEM (C.D. Cal.); Favor v. Harper, Case No. 2:16-cv-08713-JGB-JEM (C.D. Cal.); Favor v. California, Case No. 16-cv-02870-JGB-JEM (C.D. Cal.); Favor v. Slavemasters, Case No. 2:15-cv-05840-JGB-JEM.

1 action may otherwise be brought as provided in this section, any judicial district in which any  
2 defendant is subject to the court's personal jurisdiction with respect to such action." 28 U.S.C.  
3 § 1391(b).

4 In this case, the claims arise out of events the Men's Central Jail and against defendants  
5 working at that jail, in Los Angeles County, which is in the Central District of California.  
6 Therefore, plaintiff's claim should have been filed in the United States District Court for the  
7 Central District of California. In the interest of justice, a federal court may transfer a complaint  
8 filed in the wrong district to the correct district. See 28 U.S.C. § 1406(a); Ravelo Monegro v.  
9 Rosa, 211 F.3d 509, 512 (9th Cir. 2000).

10 Accordingly IT IS HEREBY ORDERED that:

11 1. This matter is transferred to the United States District Court for the Central District of  
12 California;  
13 2. This Court has not ruled on plaintiff's motion to proceed in forma pauperis; and  
14 3. This Court has not ruled on plaintiff's "motion to dismiss with relief obtaining  
15 counsel."

16 IT IS SO ORDERED.  
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18 Dated: June 7, 2017

19 /s/ Barbara A. McAuliffe  
20 UNITED STATES MAGISTRATE JUDGE  
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